IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 9TH FEBRUARY 2007 / 20TH MAGHA 1928

WP(C).No. 4449 of 2007(D)

PETITIONER:

P. SURENDRAN, S/O. MUNDAN,
AGED 47 YEARS, DRIVER GRADE-II, PERINTHALMANNA AND
RESIDING AT MUTHARAKATTU HOUSE, P.O.VALLUVAMBRAM,
VIA. MONGAM, MALAPPURAM.

BY ADV. SRI.N.UNNIKRISHNAN

RESPONDENTS:

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1. THE K.S.R.T.C.,
TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM,
REP. BY MANAGING DIRECTOR.

2. THE ASSISTANT TRANSPORT OFFICER,
K.S.R.T.C., PERINTHALMANNA.

BY ADV. SRI.K. PRABHAKARAN, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 4449 OF 2007

Dated this the 9th day of February, 2007

JUDGMENT

Sri.K. Prabhanandan, Standing Counsel takes notice.

2. The grievance of the petitioner, who is a driver in the KSRTC and is unable to attend line duty on account of serious health problems, is that the KSRTC is not taking any decision on Exts.P5 and P7 representations through which he has sought for continuance of light duty and also for category change.

3. The learned Standing Counsel for the Corporation is correct in his submission that without concurrence of the Public Service Commission, it will not be possible for the KSRTC to allow category change. Mr.Unnikrishnan, learned counsel for the petitioner submits that it is for the KSRTC to seek the concurrence of the Public Service Commission, once they are convinced about the genuineness of the claim. The above submission of Sri.Unnikrishnan is also correct.

I do not propose to go into the merits of the claim since Exts.P5 and P7 are pending before the Managing Director of the KSRTC. This Writ Petition will stand disposed of directing the KSRTC to take an early decision on Exts.P5 and P7. i.e., at any rate within one month of receiving copy of this judgment and copies of relevant exhibits. Till such

time as a decision is taken on Exts.P5 and P7, the petitioner shall be assigned only light duties.

PIUS C. KURIAKOSE, JUDGE

btt